

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA

§ Judge: DAVID C GUADERRAMA

§

vs.

§ No: EP:23-CR-00369(1)-DCG

§

(1) Alejandro Gomez

§

ORDER

IT IS ORDERED that the above-entitled case is set for hearing in the United States District Court in El Paso, Texas as follows:

ARRAIGNMENT:

(ZOOM HEARINGS)

Before United States Magistrate Judge Anne T. Berton

March 14, 2023 AT 8:30 A.M.

525 MAGOFFIN AVE., ROOM 412

EL PASO, TEXAS 79901

1ST DOCKET CALL:

Before UNITED STATES DISTRICT JUDGE DAVID C GUADERRAMA

April 5, 2023 at 1:30 PM

BY ZOOM VIDEO CONFERENCE.

A link for the Zoom video conference will be forwarded to you no later than twenty-four hours before the scheduled hearing. Please join the video conference by clicking on the link, from your device, at least 15 minutes prior to the scheduled time of the hearing.

2ND DOCKET CALL:

(If required) MAY 3, 2023 (1:30 P.M. to 4:30 P.M.)

BY ZOOM VIDEO CONFERENCE

(See Note Regarding the
Waiver of Personal
Appearance, below.)

ALL ADDRESSEES on this notice (except those for information only) must appear in person unless excused from appearing by the Court. Defendants entering a plea of "Not Guilty" who wish to waive personal appearance at arraignment and their attorneys are excused from appearing if the enclosed waiver is executed and signed by both the defendant and the attorney of record, AND FILED BY 4:30 P.M. ON THE DAY PRECEDING THE SCHEDULED DAY OF ARRAIGNMENT. Take note that if the arraignment is before a United States Magistrate Judge, only a plea of "Not Guilty" may be accepted.

WHENEVER DEFENDANTS OR WITNESSES IN CRIMINAL CASES HAVE NEED FOR THE SERVICES OF THE OFFICIAL COURT INTERPRETER, THE ATTORNEY CONCERNED MUST INFORM THE DISTRICT CLERK NOT LATER THAN FIVE (5) DAYS BEFORE THE COURT APPEARANCE.

DATE: 2nd day of March, 2023



DAVID C. GUADERRAMA

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA

vs.

(1) Alejandro Gomez

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No: EP:23-CR-00369(1)-DCG

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND
ENTRY OF PLEA OF NOT GUILTY

COMES NOW Defendant in the above referenced case who, along with his undersigned attorney, hereby acknowledges the following:

- 1) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his/her Constitutional Rights, after being advised of all the above by his/her attorney.

- 2) Defendant understands he/she has the right to appear personally with his/her attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he/she will be so arraigned in open Court.

Defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the indictment or information, and, by this instrument, tenders his/her plea of “not guilty”. The defendant understands that the entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: _____

Defendant

Attorney for Defendant

ORDER

APPROVED by this Court. A plea of “Not Guilty” is entered for defendant effective **this date.**

Date: _____

United States Magistrate Judge

WAIVER OF MINIMUM TIME TO TRIAL

- 3) Defendant understands that he/she has a right to minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he/she will not be brought to trial during this thirty (30) day period..

Defendant, having conferred with his/her attorney in this regard , hereby WAIVES the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: _____

Defendant

Attorney for Defendant

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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|---------------------|---|---------------------------|
| USA | § | |
| | § | |
| vs. | § | NO: EP:23-CR-00369(1)-DCG |
| | § | |
| (1) Alejandro Gomez | § | |

**DEFENDANT'S MOTION FOR ADMINISTRATIVE SETTING
IN LIEU OF APPEARANCE AT DOCKET CALL**

****See Court's Instruction #1 ****

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Comes now, undersigned counsel for the Defendant, **(1) Alejandro Gomez**, on this day and respectfully moves the Court to grant Counsel leave to enter this appearance administratively and in lieu of appearing at the Docket Call scheduled for **Wednesday, April 5, 2023 at 1:30 PM**, and in support of said Motion shows the Court as follows:

- ____ 1. Counsel, **having previously requested or obtained _____ Continuances**, moves for Continuance of the Docket Call because of the need for investigation, plea negotiations, and/or preparation of the defense due to complex discovery issues in the case. Counsel further avers that the interest of justice outweighs the interest of the Defendant and the public in a speedy trial and agree that the timing from the scheduled docket calls through the next docket call, is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§3161 *et seq.*
- ____ 2. The Defendant moves to have the above styled and numbered cause set for a Plea Hearing and states that said Plea Hearing may be referred to the United States Magistrate. The Defendant requests the plea be set ____ ASAP, in ____ 2 weeks, in ____ 3 weeks. **(The Plea Hearing date may NOT be scheduled after the Court's next regularly scheduled Docket Call date.)**
- ____ 3. The Defendant moves to have the above styled and numbered cause set for a Plea and Sentencing Hearing before this Court. The Defendant understands it can only be sentenced at the time of the Plea if Defendant obtains that approval from the United States Probation Office to have a Pre-Sentence Investigation Report prepared for that date. **The Defendant accepts the responsibility to resolve that approval and sentencing issue with the United States Probation Office.** The Defendant requests the plea be set ____ ASAP, in ____ 2 weeks, in ____ 3 weeks.
- ____ 4. The Defendant announces "Ready for Trial" and moves to have the above styled and numbered cause set for a Trial on the merits at the Court's convenience.
5. This Motion is filed not later than two (2) business days prior to the scheduled Docket Call.

Respectfully submitted,

_____ (signature)

_____ (typed or printed name)

Defense Counsel for

_____ (typed or printed name)

Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Motion was served upon opposing counsel, UNITED STATES ATTORNEY'S OFFICE by facsimile or electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant, in accordance with the Federal Rules of Criminal Procedure on the _____ day of _____, 20____.

Defense Attorney

COURT INSTRUCTIONS REGARDING DOCKET CALL
HON. DAVID C. GUADERRAMA

1. Defense counsel will be allowed to file the corresponding Motion for Administrative Setting in Lieu of Appearance at Docket Call (hereinafter “Motion”) if the circumstances of the particular case meet the requirements of the Motion. **ABSOLUTELY NO ALTERATIONS MAY BE MADE TO THE FORM MOTION.** If the particular circumstances of the case do not meet the requirements of the Motion, or if you have a doubt thereof, **you should attend the Docket Call** and discuss the matter with the Court on the record.
2. Those attorneys who have neither sought nor obtained a continuance on one or more prior occasions and who wish to request a continuance may do so by completing and filing the Motion and marking an “X” in the first space. **Attorneys who have previously obtained one or more continuances MUST attend Docket Call if a subsequent continuance will be requested, regardless of the reason, but need not attend Docket Call if a plea or trial is requested.**
3. Those attorneys who wish to request that the Court set a case for a plea hearing or trial (whether or not a continuance has previously been requested on one or more occasions) may also complete and file the Motion and mark an “X” in the appropriate space. **Attorneys may not request that the Plea Hearing be scheduled after the Docket Call following the Docket Call to which the filed Motion applies.** Trials will be set within the Speedy Trial deadline unless the defendant has executed a Waiver of Speedy Trial.
4. You may attend Docket Call *even if you are eligible* to file the Motion. You are never precluded from attending the Docket Call.
5. The corresponding Motion **MUST** be filed no later than two (2) business days (exclusive of federal holidays) prior to the scheduled Docket Call.
6. Any Motion filed pursuant to these instructions requires only the signature of the defense attorney, but service of the Motion upon the United States Attorney is required.
7. File a single Motion for each case. DO NOT file a single Motion with more than one cause number. If you are scheduled to appear at Docket Call on several cases and are eligible to file Motion in each case, you **MUST** file one Motion per case.
8. Questions about this process may be directed by attorneys to the Courtroom Deputy at (915) 834-0538.